

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS**

**BAC HOME LOANS SERVICING,  
LP**

**Plaintiff,**

**v.**

**TEXAS REALTY HOLDINGS, LLC,  
et al.,**

**Defendants.**

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**Case No. 4:09-CV-2539**

**SUPPLEMENT TO RECORD IN SUPPORT OF PRELIMINARY INJUNCTION**

On August 10, 2010, the court ordered BAC Home Loans Servicing, LP ("BAC") to supplement the record and provide evidence in connection with BAC's motion for preliminary injunction that shows BAC is the agent of the holders of the notes and deeds of trust at issue, and therefore has a claim on the property. BAC now submits **EXHIBITS 1 and 2**, which show BAC is the agent and mortgage servicer of the holders of the notes and deeds of trust at issue.

As noted in BAC's amended complaint, and amended preliminary injunction motion, there are three loans and properties at issue in this case: (1) the Watthuber property, located at 6007 Memorial Drive, Unit 202; (2) the Wright property, located at 3311 Yupon Street, Unit 611; and (3) the Willis-Pomares property, located at 3015 Chenevert Street, Unit 14.<sup>1</sup>

**EXHIBIT 1** is a copy of the 8-K report and Pooling and Servicing Agreement filed with the United States Securities and Exchange Commission for the Soundview Home Loan Trust 2007-WMC1, asset-backed certificates, series 2007-WMC1, and shows that BAC is the loan

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<sup>1</sup> See, e.g., Am. Compl., Docket Entry No. 66, ¶ 16.

servicer for the holder of the Watthuber loan. The 8-K is a publicly filed document of which the court may take judicial notice. *See, e.g., Lovelace v. Software Spectrum Inc.*, 78 F.3d 1015, 1017–18 (5th Cir. 1996). As noted in **EXHIBIT 1**, the Pooling and Servicing Agreement names "Countrywide Home Loans Servicing LP or any successor" as the mortgage servicer for the pool.<sup>2</sup> As explained in **EXHIBIT 2**, the McKeown Affidavit, Countrywide Home Loans Servicing LP formally changed its name to "BAC Home Loans Servicing, LP" on April 21, 2009.<sup>3</sup> The mortgages included within the Soundview pool are listed in Exhibit D to the Soundview Pooling and Servicing Agreement.<sup>4</sup> Although most of the loan numbers have been redacted, the last four digits of the Watthuber loan number are listed in Exhibit D as part of the Soundview pool.<sup>5</sup>

**EXHIBIT 2** contains the affidavit of Jon McKeown and several exhibits, including two 8-K filings and their respective pooling and servicing agreements, that show BAC is the mortgage servicer for the holders of the Wright and Willis-Pomares loans.<sup>6</sup>

In addition, as noted in the McKeown Affidavit,<sup>7</sup> BAC has provided the undersigned counsel with the original note and collateral documents for each of the three loans and properties at issue in this case. These original documents are available for the court's inspection, or for the inspection of the parties upon request at the offices of BAC's counsel.

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<sup>2</sup> *See Ex. 1*, Soundview 8-K, Exhibit 4.1, Pooling and Servicing Agreement at 11, 42. The Soundview 8-K report combined with the Pooling and Servicing are roughly 1,300 pages. Rather than provide the entire report to the court, BAC has provided only the parts pertinent to this supplement. The full version is available for inspection in the offices of BAC's undersigned counsel.

<sup>3</sup> **EXHIBIT 2**, McKeown Aff. ¶ 2.

<sup>4</sup> **Ex. 1**, Soundview 8-K, Exhibit 4.1, Pooling and Servicing Agreement at 11, 120–21.

<sup>5</sup> *Id.* at 121.

<sup>6</sup> **Ex. 2**, McKeown Aff. ¶¶ 7–22 & Exhibits 2-A through 2-G.

<sup>7</sup> *Id.* ¶ 23.

Dated: August 13, 2010

Respectfully submitted,

/s/ Joshua J. Bennett

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**ATTORNEYS FOR BAC HOME  
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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served on counsel and those *pro se* parties who have made an appearance either electronically through the court's electronic filing system, or by First-Class mail as shown below.

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